ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. XVII.

An Act for making the Exemplification of the Laſt Will and Teſtament of *William* Earl of *Bleſinton*, in the Kingdom of *Ireland*, deceaſed, Evidence as well in *Ireland* as in *Great Britain*.



WHEREAS the Right Honourable William Earl of Bleſinton, in the Kingdom of Ireland, deceaſed, did, in his Lifetime, duly make and publiſh his Laſt Will and Teſtament in Writing, bearing Date the Seventeenth Day of September, in the Year of our Lord One thouſand ſeven hundred and ſixty, and thereby gave and deviſed all thoſe his Manors of Rathmalton and Fannet, in the Barony of Killmacrenan and County of Donegal,

Preamble, reciting the Will of the Right Hon. the Earl of *Bleſinton*.

Donegal, in the said Kingdom, and his Manors of Newtown Stewart and Rash, in the Baronies of Strabane and Omagh, and County of Tyrone, in the said Kingdom, and all that his Manor of Aghentean otherwise Rash Mount Stewart, in the Barony of Clogher and County of Tyrone, and all other his Freehold Manors, Lands, and Hereditaments, in the said Counties of Donegal and Tyrone, or either of them, with their and every of their Rights, Members, and Appurtenances; and also all that the Manor of Mountjoy, and other his Lands and Tenements which he held by Lease from the Crown, of which there were about Fifty Years to come, situate in the Barony of Dungannon, in the said County Tyrone, unto Elinor Countess of Blessinton, his Wife, and Charles Usher of the City of Dublin, in the said Kingdom of Ireland Esquire, their Heirs, Executors, Administrators, and Assigns, (subject nevertheless as to the said Freehold Estate, to the Payment of an Annuity or yearly Rent-charge of One thousand Pounds of lawful Money of Great Britain, unto his said Wife, during her Life, which was provided for her, and charged upon his said Freehold Estates, in and by the Settlement made previous to their Marriage), to hold to his said Wife Elinor Countess of Blessinton, and Charles Usher, their Heirs, Executors, Administrators, and Assigns, for ever, (subject as aforesaid) in Trust nevertheless, and to and for the Intents and Purposes therein and herein after mentioned; that is to say, In Trust, as soon after his Decease as conveniently might be, to sell and dispose of, (either together or in Parcels), so much and such Part of his said Freehold and Leasehold Estates, at their Discretion, as should produce sufficient to purchase an Annuity of One hundred Pounds Sterling, as Money was current in Great Britain, payable quarterly, during the Life of Mr. John Gideon Le Cointe, late Tutor to his (the Testator's) Son William Lord Viscount Mountjoy, deceased, to and for the Use and Benefit of the said Mr. Le Cointe, and sufficient to pay all such just Debts whatsoever, as he (the Testator) might

might owe, or anywise stand indebted at the Time of his Decease, and all such Legacies and Annuities as he should give unto any Person or Persons by that his Will, or by any Codicil or Codicils, or other Writing or Writings under his Hand, purporting to be a Codicil or Codicils to that his Will, together with their own Costs and Charges; and in Trust, in the mean Time, until such Sale or Sales, to receive the Rents and Profits of the said Estates, (subject nevertheless and without Prejudice to the said Rent-charge of One thousand Pounds a Year); and to apply the same in Payment of the Interest of such of his said Debts as should carry Interest, and to pay the Surplus of such Rents and Profits unto the Person or Persons who, for the Time being, should be intitled to the Rents and Profits of his Estates remaining unsold, by virtue of the Limitations therein-after contained; and did will and direct, that the said Elinor Countess of Blessinton, and Charles Usher, their Heirs, Executors, Administrators, or Assigns, should accordingly, by and out of the Money arising by such Sale or Sales, purchase such Annuity for the said Mr. Le Cointe as above mentioned, and should pay, or provide for the Payment of all such other Annuities as he might leave by any Codicil or Codicils, as aforesaid; and also pay and discharge all such Debts whatsoever as he might owe or any-wise stand indebted at the Time of his Decease, and all such Legacies as he might give by that his Will, or by any Codicil or Codicils, as aforesaid, together with their own Costs and Charges in and about the Premises; it being his Will and Intention (as therein expressed) to exempt his personal Estate, (other than the said Leasehold Lands and Tenements), from the Payment of his Debts and Legacies, and such Annuities, Costs, and Charges, as far as by the Rules of Law and Equity he might; and did thereby will and direct, that the Receipt or Receipts of his said Trustees, or the Survivor of them, or the Heirs, Executors, or Administrators of such Survivor, should be a sufficient Discharge or sufficient Discharges to the Purchaser and Purchasers of his said Freehold

and Leasehold Estates, his, her, or their Heirs, Executors, Administrators, and Assigns; and that after Payment of his, her, or their Purchase-money, he, she, or they should not be obliged to see to the Application thereof, nor should be anyways answerable for the Misapplication thereof by the said Trustees, or the Survivor of them, or the Heirs, Executors, or Administrators of such Survivor; and that all and every such Purchaser and Purchasers, and his, her, and their Heirs, Executors, Administrators, and Assigns, should hold and enjoy the Estates by him or them so purchased, freed and discharged of and from the Payment of the said Rent-charge of One thousand Pounds a Year, and of and from all Remedies in and by his said Marriage Settlement provided for the Recovery thereof; and in case any Misapplication should be made of the Money to be raised by such Sale or Sales, or any Part thereof, so that the same should not be applied in Payment of his said Debts and Legacies, then he willed and directed that such of his said Debts and Legacies, as should remain unpaid, should continue a Charge upon such Part of his Estate as should remain unsold, but that the said Estate so sold should be exonerated and discharged from the Payment of his said Debts, and every of them: And as for and concerning such of his said Freehold Manors, Lands, and Hereditaments as should remain unsold after Provision made for the Payment of the aforesaid Annuity and Annuities, and after Payment of his said Debts and Legacies, and the Costs and Charges aforesaid, upon Trust that they the said Elinor Countess of Blesinton, and Charles Usher, their Heirs and Assigns, should settle, convey, and assure the same to, for, and upon the several Uses therein and herein after mentioned; that is to say, To the Use of his said Wife Elinor Countess of Blesinton and her Assigns during her Life, without Impeachment of Waste; and from and after her Decease, to the Use of the Honourable John Forbes, One of the Admirals of His Majesty's Navy, during his Life, without Impeachment of Waste;

Remainder

Remainder to the Use of Ralph Knox and Samuel Craighead, both of the City of London, Esquires, and their Heirs, during the Life of the said John Forbes, upon Trust to preserve the contingent Uses and Estates therein after limited; and from and immediately after the Decease of the said John Forbes, to the Use of the First and other Sons of his Body lawfully to be begotten, and the Heirs Male respectively of the respective Bodies of such First and other Sons lawfully issuing; and for Default of such Issue, to the Use of William Stewart of Fort Stewart, in the said County of Donegal, Esquire, during his Life, without Impeachment of Waste; Remainder to the Use of the said Ralph Knox and Samuel Graighead, and their Heirs, during the Life of the said William Stewart, upon Trust to preserve the contingent Remainders therein after limited; and from and immediately after the Decease of the said William Stewart, to the First and every other Sons of his Body lawfully to be begotten, and the Heirs Male of the Bodies respectively of such Sons lawfully issuing; and for Default of such Issue, to the Use of James Stewart Esquire, Brother of the said William Stewart, during his Life, without Impeachment of Waste; Remainder to the Use of the said Ralph Knox and Samuel Craighead, and their Heirs, during the Life of the said James Stewart, in Trust to preserve the contingent Remainders thereinafter limited; and from and after the Decease of the said James Stewart, to the Use of the First and other Sons of the Body of the said James Stewart lawfully to be begotten, and the several Heirs Male of the Body and Bodies of all such Sons lawfully issuing; and for Default of such Issue, to the Use of his (the Testator's) own right Heirs for ever: And the said Testator thereby authorised and impowered the said Elinor Countess of Blessinton, and also the said John Forbes, William Stewart, and James Stewart, when and as they should severally come into Possession of his Freehold and Leasehold Estates therein mentioned, by any Deed or Deeds, Writing or Writings, under her or their respective Hands and

and Seals, to be executed by her or them respectively, in the Presence of Two or more credible Witnesses, to make any Lease or Leases of the said Freehold Premises, or any Part thereof, for any Term of Years not exceeding Twenty-one Years, or to make any Under-lease or Leases of the said Leasehold Premises, not exceeding Twenty-one Years, in case the said Term should so long continue, to commence in Possession and not in Reversion, reserving thereout the best and most improved yearly Rent that could be reasonably got for the same, without taking any Fine or Reward for such Lease or Leases, and so as in every such Lease there should be inserted a Condition of Re-entry for Nonpayment of the Rent therein to be reserved, and so as the Lessee or Lessees therein to be named, did seal and execute a Counterpart or Counterparts of such Lease or Leases; and appoint the said Elinor Countess of Blesinton and Charles Usher, Executors of his said Will: And whereas the said Testator, William Earl of Blesinton, departed this Life on or about the Fourteenth Day of August, in the Year of our Lord One thousand seven hundred and sixty-nine, without Issue, and without having altered or revoked his said Will; and soon after his Decease, the said Elinor Countess of Blesinton and Charles Usher, the Executors therein named, proved the said Will in common Form, in the proper Ecclesiastical Court, and the said Charles Usher is since dead: And whereas the said William Stewart, and James Stewart his Brother, Two of the Devisees in the said Will named, both departed this Life in the Life-time of the said Testator William Earl of Blesinton, unmarried, and without leaving Issue of the Body or Bodies of them, or either of them: And whereas the said John Forbes hath not any Issue Male of his Body now living: And whereas the said Will hath been proved in the High Court of Chancery in Great Britain, upon a proper Bill exhibited for that Purpose against Luke Gardiner of the City of Dublin, Esquire, the eldest Son of the Right Honourable Charles Gardiner, Esquire, deceased; and as such the now Heir at Law of the said Testator, William Earl of Blesinton, and the

said Elinor Countess of Blesinton in present, and the said John Forbes, in future, may have frequent Occasion to produce or give the said Will in Evidence, as well in Ireland as Great Britain, and the said Will cannot, as Occasion may, from Time to Time, require, be carried from one Kingdom to the other, so as to be produced and made use of at any Trial at Law or in Equity, or otherwise in such Manner as by the strict Rules of the Law ought to be, without great Hazard of the same being lost; nor can the Witnesses who are able to prove the due Execution of the said Will be compelled by any Process to attend in the said Kingdom of Ireland, (where the Estates by the said Will given and devised are situate and being), to give their Testimony at any Trial to be had in the said Kingdom, respecting the same Estates, or any Matter relating thereto; and as it will be for the Benefit of the several Devisees, and all Persons claiming under the Limitations in the said Will: Wherefore Your Majesty's most dutiful and loyal Subjects, the said Elinor Countess of Blesinton and John Forbes, do most humbly beseech Your most Excellent Majesty that it may enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, in Compliance with the Desire of the said Elinor Countess of Blesinton, and John Forbes, and for the better Preservation and safe Custody of the said Will, the said Elinor Countess of Blesinton and John Forbes, and all or any of the Persons claiming or to claim under the said Will, shall and may at any Time hereafter be at Liberty to exemplify, in the said High Court of Chancery, the said Will, and the Proceedings and Depositions so had and taken in the same Court for the proving the same, and now remaining as of Record in the same Court, (which said Will, Proceedings, and Depositions, the proper Officers of the said Court of Chancery are hereby required, when and as often as Occasion shall be, and on Application to be to them made for that Purpose, to exemplify accordingly)

Elinor Countess of *Blesinton*, &c. may exemplify the said Will in the Court of *Chancery*.

ingly) and that when the said Will, Proceedings, and Depositions, shall be so exemplified under the Great Seal of Great Britain, such Exemplification, so under Seal as aforesaid, shall and may be produced, pleaded, read, given, and allowed in Evidence on any Trial, or in any Suit in all and every or any of the Courts of Law or Equity, or elsewhere, in the said Kingdoms of Ireland and Great Britain, and shall be deemed, adjudged, taken, and allowed, in all and every or any of the said Courts of Law or Equity, or elsewhere, in the said Kingdoms of Ireland and Great Britain, to be, and shall be, as good, valid, and effectual, to all Intents and Purposes, as if the said original Will had been produced, read, pleaded, and proved, on any Trial in any of the said Courts, or elsewhere.

Nothing contained to diminish the Validity of the said Will.

Provided always, and it is hereby further enacted and declared, That no Clause or Expression in this Act contained shall in any-wise extend, or be interpreted to add unto, or diminish the Validity, Force, or Effect, of the said Will; but that the same shall be, and be construed to be, of the same Effect and Force, and none other, as if this Act had not been made.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, in Ireland and Great Britain, without specially pleading the same; and that a Copy of the Inrolment thereof, signed by the Clerk of the Parliament of Great Britain, shall and may be produced and pleaded, and allowed, as Evidence in all Courts of Law and Equity in Ireland and Great Britain, or elsewhere.

FINIS.

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